

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA NEW ENGLAND**

**PERMIT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT
(RCRA) AS AMENDED (42 U.S.C. SECTION 6901 ET SEQ.)**



FACT SHEET

SDMS DocID

275772

Permittee: General Electric Company
159 Plastics Avenue
Pittsfield, Massachusetts 01201
EPA I.D. No. MAD002084093

This Fact Sheet has been prepared by the United States Environmental Protection Agency ("EPA") with respect to the draft Permit to be issued to the General Electric Company ("General Electric" or "GE") under the corrective action provisions of the Resource Conservation and Recovery Act, as amended ("RCRA") and in accordance with a court-ordered Consent Decree filed in U.S. District Court, United States, et al. v. General Electric Company (D. Mass.) (Civil Action Nos: 99-30225, 99-30226, 99-30227) ("Consent Decree", or "Court Order"). The Consent Decree memorializes an agreement to address releases of hazardous waste and /or hazardous constituents from General Electric's facility in Pittsfield, Massachusetts. The Consent Decree includes requirements related to a RCRA Corrective Action permit to GE which became effective on October 27, 2000 (the "2000 Permit").

As provided in the Consent Decree, the 2000 Permit includes requirements for General Electric to address releases of hazardous waste and /or hazardous constituents to river sediments, banks and floodplain areas downstream of the confluence of the East and West Branches of the Housatonic River (an area defined in the Consent Decree as the "Rest of River").

The 2000 Permit expires October 27, 2010, ten years from when it became effective. EPA – at the request of the Commonwealth of Massachusetts, Department of Environmental Protection ("State") – is currently planning to authorize the State to administer the RCRA corrective action program in the State, including granting to the State the authority to issue future RCRA corrective action permits in the State. However, EPA and the State are in agreement that EPA should continue to take the responsibility for the GE corrective action permit. EPA believes it would be contrary to the Court Order for EPA's authority regarding the Rest of River either to expire, or to be transferred to the State. To ensure the continued lead role of EPA, the permit needs to be reissued by EPA for a longer term, prior to the date the State is authorized to issue new corrective action permits. To accomplish this, GE has agreed with EPA, pursuant to General Condition I.C of the 2000 Permit, to reissuance of the 2000 Permit solely for the purpose of extending its term.

Therefore, EPA proposes to revoke and reissue the 2000 Permit now to extend the term of the 2000 Permit beyond 2010, to ten years from the effective date of the reissued permit. Extension of the term of the 2000 Permit would allow significant additional time for completing the Permit Modification actions pursuant to Paragraph 22 of the Consent Decree. (Paragraph 22 provides for steps in investigation and evaluation of response action alternatives for the Rest of River, and also provides procedures for eventual modification of the 2000 Permit to select appropriate corrective measures/remedial action for the Rest of River.)

Under EPA's proposed reissued Permit (the "Draft Permit"), no provisions of the 2000 Permit will change except the term of the Permit. The obligations and requirements of GE will not change. The responsibilities of EPA will not change.

Accordingly, EPA is inviting public comments on whether EPA should extend the term of the Permit from an expiration date of October 27, 2010, to a date ten years from the effective date of the reissued Permit. If, upon review of public comments, EPA determines it should extend the term of the Permit, EPA will reissue the Permit to extend the term. However, if upon review of public comments, EPA determines it should not extend the term of the Permit, EPA will not reissue the Permit to extend the term, and the existing permit will remain in effect.

As background, the 2000 Permit is Appendix G to the Consent Decree, and is incorporated therein. The Consent Decree was entered by U.S. District Court as a Court Order. The Consent Decree provisions, including Appendix G, provide for the actions to be taken in addressing contamination in the Rest of River. The Rest of River actions are therefore set out in the Court Order. Accordingly, this 2000 Permit is subject to the Court Order. Thus, while persons may file comments on other provisions of the Draft Permit, if EPA receives comments that lead EPA to determine that any reissued permit would have to include other changes to the 2000 Permit beyond extending the term, EPA will not go forward with reissuance of the 2000 Permit at this time, since making such other changes would be inconsistent with the terms of the Court Order. The result again would be that the existing permit would remain in effect. There would need to be a change to the Court Order before any new permit could be issued with different terms.

Relationship of Draft Permit to the 2000 Permit

The Draft Permit includes only one change to the 2000 Permit: it would extend the term of the Permit until ten years from the effective date of the reissued Permit. It would not change any other requirements.

Hazardous Waste/Hazardous Constituents to be Addressed Under the Draft Permit

As with the 2000 Permit, the Draft Permit would require General Electric to address hazardous waste and/or hazardous constituents, including polychlorinated biphenyls (PCBs), in the channel, banks and floodplains of the Rest of River. The quantities of PCBs and other hazardous wastes or constituents are not certain, although GE utilized PCBs in the manufacture and servicing of electrical transformers at the facility from 1932 to 1977.

Summary of Basis for Draft Permit Conditions

As with the 2000 Permit, the Draft Permit conditions are based in large part on the requirements for RCRA corrective action permits found in Sections 3004(u) and (v), and 3005(c) of RCRA,

modified as appropriate to apply to this unique situation in which the RCRA Permit covers only a portion of the overall Site and is part of a larger settlement for the entire Site embodied in a CERCLA Consent Decree. Also, as noted above, the Draft Permit, like the 2000 Permit, provides that following completion of activities and appeals under the Permit, General Electric is to perform further actions regarding the Rest of River as a CERCLA Remedial Action. That being the case, the requirements of CERCLA regarding Remedial Actions, including CERCLA Section 121, are pertinent to this Draft Permit. The Draft Permit does not include any other variances or alternatives to required standards.

Procedures for Reaching a Final Decision on the Draft Permit

EPA will have a 60-day public comment period on the Draft Permit. This 60-day public comment period will begin on September 17, 2007, and end on November 16, 2007. During the public comment period, any person may submit written comments on the Draft Permit. Also, any person may request a public hearing, by submitting such request in writing by October 9, 2007, stating the nature of the issues proposed to be raised in the hearing. Supporting materials are to be included in full with the public comments, unless the supporting materials are part of the administrative record for the Draft Permit. Comments on the Draft Permit are to be submitted to:

Susan C. Svirsky
Rest of River Project Manager
U.S. Environmental Protection Agency, Region
I c/o Weston Solutions
10 Lyman Street
Pittsfield, MA 01201

Administrative Record for Draft Permit

The administrative record for this Draft Permit includes the Draft Permit, this fact sheet, and the following:

- The 2000 Permit;
- The administrative record for the 2000 Permit;
- GE's letter of August 23, 2007 requesting revocation and reissuance of the 2000 Permit;
- The Consent Decree and all appendices, attachments, and annexes thereto.

These administrative record documents are available at the following information repositories:

Berkshire Athenaeum Public
Library Reference Department
1 Wendell Avenue
Pittsfield, MA 01201
413-499-9488

Cornwall Free Library
30 Pine Street

Cornwall, CT 06796

Kent Memorial Library
32 North Main Street
Kent, CT 06757

The administrative record is also located at EPA-New England's offices, 1 Congress Street,
Boston, MA 02114-2023.

For Additional Information, Contact:

Jim Murphy
Community Relations Coordinator
EPA-New England
617-918- 1028